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 + AWAITING ADMISSION
 ++ OF COUNSEL

August 25, 2022

Hon. Denise Cote
 United States District Court
 Southern District of New York
 500 Pearl Street
 Room 1910
 New York, New York 10007

RE: Kristiansen v. MTA/NYCT and TWU Local 100
 Civil Action #: 22-cv-5601
 Our File : 0100-6024

Dear Judge Cote:

This firm represents Defendant, Transport Workers Union Local 100, in the above matter. Local 100 recently filed a motion to dismiss the complaint, on several grounds, including the lack of subject matter jurisdiction. That motion has been fully briefed. Co-defendants, MTA/NYCT, have indicated an intention to file their own motion to dismiss, to which the Plaintiff and co-defendants have agree to an extension of time.

Pursuant to the Court's Notice of Initial Pretrial Conference, on August 24, 2022, the parties participated in a telephone conference regarding discovery matters. At that conference, counsel for MTA/NYCT and I indicated our view that all discovery should be stayed, pending decision(s) on the motions to dismiss. Plaintiff's counsel represented that he did not consider the request unreasonable and that he would confer with his client to ascertain whether she would agree to this proposal.

Notwithstanding this representation, Plaintiff's counsel now insists that defendants provide initial disclosures pursuant to Rule 26(a)(1) and to the filing of a case management plan. Supplying this information, considering the posture of the case, is an extraordinary waste of resources, time and effort. As all other discovery will likely be stayed pending a resolution of the motions to dismiss, it will not prejudice Plaintiff's case to wait for the motions to be decided to receive the initial disclosure materials, in the event the motion(s) are denied.

In addition, the Court scheduled an Initial Pretrial Conference for September 23, 2022 at 3:00 p.m. It is unlikely that co-defendants' motion to dismiss will be fully briefed before that date.

Accordingly, it is respectfully requested that the Court 1) stay all discovery, including initial disclosures and the filing of a case management plan, pending a decision (or decisions) on the motions to dismiss; and 2) adjourn the September 23, 2022 Initial Pretrial Conference to a date and time deemed appropriate by the Court, in light of the above procedural complexities.

Very truly yours,

COLLERAN, O'HARA & MILLS L.L.P.

By: _____

DENIS A. ENGEL

cc: R. Facchini, Esq. *via email*
E. Conroy, Esq. *via email*
R. Drinan, Esq. *via email*
A. St. Laurent, Esq. *via email*

*The 9/23/22 conference is
cancelled. Discovery is stayed.*

*Denise Cole
8/26/22*